

### **REMARKS**

Claims 1, 4-14, 16, and 18-20, as amended, are pending in this application. In this Response, Applicants have amended claim 12 to overcome the Examiner's § 112 rejection. Applicants have also amended independent claim 1 to clarify the position of the diverting means with respect to the venting means. Similarly, Applicants have amended independent claim 14 to clarify the position of the water-diverting plate with respect to the vent.

In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

### **THE REJECTIONS UNDER 35 U.S.C. § 112**

At page 2 of the Office Action, the Examiner rejected claims 12-13 under 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner stated that the feature "wherein the second component...the interior wall" appears to have the same scope as the feature in claim 1. Additionally, the Examiner stated that "the interior wall," recited in claim 12 on line 4, lacks antecedent basis. In response, Applicants have amended claim 12 to remove the language objected to by the Examiner. In light of these amendments, Applicants submit that the Examiner's rejection is moot.

### **THE REJECTIONS UNDER 35 U.S.C. § 102**

At pages 2-3 of the Office Action, the Examiner rejected claims 14, 16, and 18 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,179,144 to Abroy *et al.* ("Abroy"). For at least the reasons set forth below, Applicants submit that the Examiner's rejections have been overcome.

Abroy discloses an electrical enclosure that has a side hinged cover that is not defeated by the pressure of expanding internal gases. *See* Abstract. The enclosure includes a rain channel located immediately adjacent a front edge of the box top. *Id.* The rain channel is generally J-shaped in cross-section and extends across the front of the box and slightly beyond the two side walls of the box. *Id.* As configured, the rain channel directs water over the side walls of the box,

preventing it from reaching any enclosed components. *Id.* To aid in sealing the box, one end of the side cover is fixed to a side wall of the box and the other end of the side cover may be latched to the opposing side wall. *Id.*

In contrast, the present invention relates to a cabinet having a back portion fixedly connectable to a wall and a cover portion that cooperates with the back portion to form an interior space. *See, e.g.*, claim 14 and FIGS. 1-5. In one embodiment, the cover portion is detachably connected to the back portion using a hinge structure. *Id.* The hinge structure includes a pair of mounting brackets formed on opposite sides of the back portion. *Id.* The cover, which includes pivot pins, engages the mounting brackets to form the interior space. *Id.* In this manner, the cover may be easily removed to obtain access to any components that are positioned within the interior space. *Id.* When the cover portion is engaged with the back portion, a vent comprising a gap between the cover portion and the wall may be formed. *Id.*

In order to facilitate allowance, Applicants have amended independent claim 14. In particular, Applicants have amended claim 14 to clarify that the water-diverting plate is *below* the vent. In light of these amendments, Applicants submit that Abroy fails to teach, or even suggest, each and every element of the present invention as recited in claim 14, including: (i) a cover portion detachably connected to a back portion; (ii) a hinge structure including mounting brackets and pivot pins; (iii) a vent comprising a gap formed between a cover portion and a wall; and (iv) a water-diverting plate below the vent. In light of the deficiencies of Abroy, Applicants submit that the Examiner's rejection of claim 14 under 35 U.S.C. § 102 has been overcome. Applicants further submit that claims 16 and 18 are in condition for allowance at least by virtue of their dependency on claim 14, but also for additional novel features recited therein. Reconsideration and allowance is respectfully requested.

### **THE REJECTIONS UNDER 35 U.S.C. § 103**

At pages 3-5 of the Office Action the Examiner rejected claims 1, 4-11, and 19-20 under 35 U.S.C. § 103(a) as being obvious over Abroy in view of U.S. Patent No. 4,223,965 to Palandrani ("Palandrani"). Applicants submit that the Examiner's rejections have been traversed for at least the reasons discussed below.

To facilitate allowance, Applicants have amended independent claim 1 to clarify that the diverting means is disposed *below* the venting means. In discussing the grounds for rejecting

independent claim 1, the Examiner appears to address the claim language of independent claim 14. Nevertheless, Applicants submit that the deficiencies of Abroy enumerated above apply equally to independent claim 1. That is, Abroy fails to teach or suggest at least the following: (i) a second component that is detachably and pivotally connected to a first component; (ii) a second component pivotally movable between a first, closed position and a second, detached position; (iii) a venting means comprising a gap formed between a rearward longitudinal edge of a top wall and an upper end of a back wall of the first component; and (iv) a diverting means disposed below the venting means.

In fact, Abroy's teachings are in direct contrast to the teachings of the present invention, *i.e.*, Abroy teaches an enclosure with a hinged cover that is not detachable. Moreover, Abroy is completely silent with regard to a gap formed by the present invention. Because Palandrani fails to cure the deficiencies of Abroy discussed above, *i.e.*, there is no disclosure of the detachable and pivoting connection or a vent formed in the manner recited in claim 1, Applicants submit that the Examiner's rejections under 35 U.S.C. § 103 have been traversed. Reconsideration and allowance of the pending claims is respectfully requested.


### **CONCLUSION**

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned agent to discuss any remaining issues.

A Petition for a three-month Extension of Time is submitted herewith, extending the time to respond to and including November 3, 2006. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 195127, Order No. 15772.0006.

Respectfully submitted,  
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